

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

**FILED**

**NOV 14 2018**

Clerk, U.S. District Court  
District Of Montana  
Helena

CORE-MARK INTERNATIONAL,  
INC.,

Plaintiff,

No. CV 15-05-H-SEH

vs.

**ORDER**

The Montana Board of Livestock, in  
its official capacity as head of the  
Montana Department of Livestock, et  
al.,

Defendants.

On November 1, 2018, the Court issued its Memorandum and Order<sup>1</sup> granting in part and denying in part the parties' cross-motions for summary judgment.

Defendants' interpretation of Mont. Admin. R. § 32.8.203 was determined to be an unconstitutional limitation on Plaintiff's protected commercial speech. Defendants were ordered enjoined from "limit[ing] the labeling on grade A milk

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<sup>1</sup> Doc. 119.

sold in Montana to exclude additional language approved by the Board informing consumers of a “best by” or “best if used by” date.”<sup>2</sup>

The parties were ordered to file a joint stipulation agreeing on a new and appropriate label in compliance with the Court’s ruling to be added to existing grade A milk cartons sold in Montana.

On November 8, 2018, the parties filed a Stipulation<sup>3</sup> agreeing upon an appropriate label.

There being no further issues before the Court,

ORDERED:

The Clerk is directed to enter a partial judgment in favor of the Plaintiff consistent with the terms and conditions of the Court’s November 1, 2018, Memorandum and Order.<sup>4</sup>

FURTHER ORDERED:

Plaintiff will submit to the Court and serve upon Defendants, on or before November 29, 2018, a statement for fees and costs claimed under 42 U.S.C. § 1988, together with a supporting brief. Defendants will have to and including

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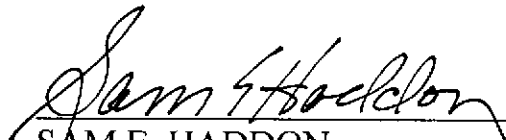
<sup>2</sup> Doc. 119 at 19.

<sup>3</sup> Doc. 120.

<sup>4</sup> Doc. 119.

December 13, 2018, in which to file a brief in response. The Court will schedule and conduct a hearing on the attorneys' fee claim if necessary or appropriate.

DATED this 14<sup>th</sup> day of November, 2018.

  
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SAM E. HADDON  
United States District Court